

SENATE BILL No. 161

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-15-13-3.

Synopsis: Hospital repayment of Medicaid overpayment. Eliminates a provision under which a hospital was allowed 180 days to respond to a notice that the hospital was overpaid by the Medicaid program. Makes hospitals subject to the general provision allowing 60 days for a response.

Effective: July 1, 2004.

Miller

January 6, 2004, read first time and referred to Committee on Health and Provider Services.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

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SENATE BILL No. 161

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 12-15-13-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) If the office of the
3 secretary believes that an overpayment to a provider has occurred, the
4 office of the secretary may do the following:
- 5 (1) Notify the provider in writing that the office of the secretary
6 believes that an overpayment has occurred.
- 7 (2) Request in the notice that the provider repay the amount of the
8 alleged overpayment, including interest from the date of
9 overpayment.
- 10 (b) ~~Except as provided in subsection (c)~~; A provider who receives
11 a notice and request for repayment under subsection (a) may elect to do
12 one (1) of the following:
- 13 (1) Repay the amount of the overpayment not later than sixty (60)
14 days after receiving notice from the office of the secretary,
15 including interest from the date of overpayment.
- 16 (2) Request a hearing and repay the amount of the alleged
17 overpayment not later than sixty (60) days after receiving notice

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IN 161—LS 6309/DI 104+



from the office of the secretary.

(3) Request a hearing not later than sixty (60) days after receiving notice from the office of the secretary and not repay the alleged overpayment, except as provided in subsection (d).

(c) If:

(1) a provider elects to proceed under subsection (b)(2); and

(2) the office of the secretary determines after the hearing and any subsequent appeal that the provider does not owe the money that the office of the secretary believed the provider owed;

the office of the secretary shall return the amount of the alleged overpayment and interest paid and pay the provider interest on the money from the date of the provider's repayment.

(d) If:

(1) a provider elects to proceed under subsection (b)(3); and

(2) the office of the secretary determines after the hearing and any subsequent appeal that the provider owes the money;

the provider shall pay the amount of the overpayment, including interest from the date of the overpayment.

~~(e) A hospital licensed under IC 16-21 that receives a notice and request for repayment under subsection (a) has one hundred eighty (180) days to elect one (1) of the actions under subsection (b)(1), (b)(2), or (b)(3).~~

~~(f)~~ (e) Interest that is due under this section shall be paid at a rate that is determined by the commissioner of the department of state revenue under IC 6-8.1-10-1(c) as follows:

(1) Interest due from a provider to the state shall be paid at the rate set by the commissioner for interest payments from the department of state revenue to a taxpayer.

(2) Interest due from the state to a provider shall be paid at the rate set by the commissioner for interest payments from the department of state revenue to a taxpayer.

~~(g)~~ (f) Proceedings under this section are subject to IC 4-21.5.

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